

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 4 D.C.
05 DEC 23 AM 9:22
CLERK OF DISTRICT COURT
W.D. TENN. JACKSON

UNITED STATES OF AMERICA,

Plaintiff,

VS.

KAHLILIA MALONE,

Defendant.

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Civ. No. 05-1024-T/An

Crim. No. 03-10087-T

ORDER DIRECTING DEFENDANT TO SIGN § 2255 MOTION

Defendant Kahlilia Malone, Bureau of Prisons inmate registration number 19284-076, an inmate at the Federal Medical Center Satellite Camp in Lexington, Kentucky, filed a *pro se* motion pursuant to 28 U.S.C. § 2255 on January 31, 2005. The motion, which is submitted on the standard form for § 2255 motions in use in this district at the time, is missing the final page, which should contain the plaintiff's signature.

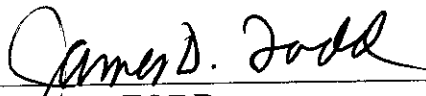
Pursuant to Fed. R. Civ. P. 11(a), "[e]very pleading, written motion, and other paper shall be signed by at least one attorney of record in the attorney's individual name, or, if the party is not represented by an attorney, shall be signed by the party." The rule further provides that "[a]n unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party."

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Moreover, Rule 2(a)(5) of the Rules Governing § 2255 Cases (“§ 2255 Rules”) requires that a § 2255 motion must “be signed under penalty of perjury by the movant or by a person authorized to sign it for the movant.”

Pursuant to Fed. R. Civ. P. 11(a) and Rule 2(a)(5) of the § 2255 Rules, the defendant is ORDERED to submit a complete copy of her motion bearing her original signature under penalty of perjury within 30 days after the date this order is entered. Failure to comply with this order will result in the dismissal of this action pursuant to Fed. R. Civ. P. 11(a).

IT IS SO ORDERED this 22nd day of December, 2005.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 1:05-CV-01024 was distributed by fax, mail, or direct printing on December 28, 2005 to the parties listed.

USA

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Kahlilia Malone
19284-076
P.O. Box 14525
Lexington, KY 40512

Honorable James Todd
US DISTRICT COURT